

S/L 32
17.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1507 of 2024

Smt. Aruna Devi Sikaria & Anr.

Vs.

Smt. Jaba Paul & Anr.

Mr. Arnab Roy
Ms. Sayani Ahmed

...for the Petitioners.

Mr. Anirban Pramanick
Ms. Bhagyasree Dey

...for the Opposite Parties.

The plaintiffs in a suit for specific performance of agreement for sale being Title Suit No.128 of 2002 pending before the 2nd Court of learned Civil Judge (Senior Division) at Barasat, District: 24 Parganas (North) are the petitioners of the instant application under Article 227 of the Constitution of India.

The suit, when has reached to the stage of peremptory hearing, the defendant no.1 had applied for expunging an exhibited document from the records.

The learned Trial Judge by the order dated September 12, 2022 has dismissed the said application, aggrieved thereby, the said defendant has preferred a revisional application being CO 3603 of 2022, which is pending.

The petitioners are complaining that though no order of stay has been passed in the said matter but the defendants, showing pendency of it, are arresting the progress of the suit.

Mere pendency of a revisional application, by itself, will not operate as stay of further proceedings of the said suit, therefore notwithstanding the pendency of it, the learned Trial Judge is free to proceed with the said suit in accordance with law till an appropriate order of stay is being passed in the said pending revisional application.

CO 1507 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)